



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: January 26, 2010

Department: Zoning, Building, Planning **Staff Contact:** Adella Gallegos, Assoc. Program Planner

TITLE: APPEAL: Denial of a Special Use Permit for a Contractor's Yard (C0-20100003/CSU-90032)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial

SUMMARY:

At the November 4, 2009 public hearing, the County Planning Commission voted (6-0, Sanchez excused) to recommend denial of the request for a Special Use Permit for a Contractor's Yard on Tract B, Lands of Morris & Pierce, located at 7022 Arrington Road SW, zoned A-1, and containing approximately 1 acre. The decision was based on seven Findings (Attachment 2).

The County Planning Commission (CPC) determined that the applicant failed to demonstrate that the existing R-1 zoning was inappropriate and that the request may be detrimental to the adjoining residential properties. In addition, the CPC found that the request conflicts with adopted plans and policies that call for the stabilization residential zoning, for commercial/industrial development to be located within a defined village center and that there have not been any changed neighborhood conditions that exist that would justify a change in land use.

The appellant contends that the CPC erred in applying adopted County plans, policies and ordinances, the staff and CPC erred in interpreting the application, the Notice of Decision contains significant errors in their stated facts, and that the findings and recommended decision of the CPC are not supported by substantial relevant evidence (Attachment 1).

The criteria for considering zone map changes and special use permit applications require that the applicant demonstrate that the existing zoning is inappropriate because (1) there was an error when the existing zone map pattern was created, or (2) changed neighborhood or community conditions justify the land use change, or (3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other land use plan adopted by the Board of County Commissioners even though (1) or (2) do not apply.

ATTACHMENTS:

1. Appeal Application Dated November 25, 2009
2. County Planning Commission Notice of Decision Letter (November 9, 2009)
3. County Planning Commission Information Packet

4. County Planning Commission Minutes (November 4, 2009)
5. Site Plan Dated September 28, 2009 (Commissioners Only)

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff Recommends Denial

VERSION 5.0